

EXHIBIT 2

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 BOARHEAD FARM AGREEMENT CIVIL ACTION NO.
4 GROUP, 02-CV-3830
Judge Legrome D. Davis

5 Plaintiff,

VOLUME I

6 Oral Deposition of

vs.

JOHN P. LEUZARDER, JR.

7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY, BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY; SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,

Defendants.

26 * * * * *
27 MONDAY, NOVEMBER 29, 2004
28 * * * * *

29 Transcript in the above matter taken at
30 the offices of WOLFF & SAMSON, PC, The Offices at
31 Crystal Lake, One Boland Drive, West Orange, New
32 Jersey, commencing at 10:30 a.m.

33 Certified Shorthand Reporting Services
34 Arranged Through
35 Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(800) 972-3377

Page 1

Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(800)972-3377
Lori A. De Francesco, C.S.R.

December 14, 2004

THOMAS W. SABINO, ESQUIRE
Wolff & Samson, Esquires
One Boland Drive
West Orange, NJ 07052-3698

RE: BOARHEAD vs. AETC

Dear Mr. Sabino,

Enclosed please find the transcript of the testimony of JOHN B. LEUZARDER, JR., taken on November 29, 2004. At the end of the transcript are attached errata sheets and a signature line for the witness to sign and date.

Please forward within 30 days from receipt of this letter the original errata sheets to GLENN A. HARRIS, ESQUIRE of Ballard, Spahr, Andrews & Ingersoll, Esquires, 1735 Market Street, 51st Floor, Philadelphia, PA, 19103-7599, in order that the corrections, changes and/or deletions may be attached to the original transcript.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Lori A. De Francesco, C.S.R.
cc: G.A. Harris, Esq.

John P. Leuzarder, Jr.

November 29, 2004

Page 10

1 A. Same thing. I was a principally a -- I
 2 had an expertise in the field of incineration and I
 3 was working with them in sales and in technical
 4 things.
 5 Q. And after Jennings what position did you
 6 have after that?
 7 A. After Jennings I went to work for
 8 Scientific Incorporated in Scotch Plains, New Jersey.
 9 Q. And what year was that, if you recall?
 10 A. Approximately '74.
 11 Q. And what did you do at Scientific?
 12 A. I was involved in sales representing
 13 them in handling their solid waste. They operated
 14 landfills and trucking operations. And I was with
 15 them representing them in the sales capacity
 16 principally in their solid waste arena.
 17 Q. How long were you with Scientific?
 18 A. It's been so many years it's very hard
 19 to remember. I haven't gone over -- I haven't looked
 20 into that in detail. I would guess -- I'm guessing
 21 now, please, two years.
 22 Q. Can you just estimate or approximate?
 23 A. Two years.
 24 Q. And after Scientific, did you go on to
 25 another job?

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1 A. Yes, I was -- we were -- Scientific and
 2 Gaess Environmental Services, part of SCA had merged
 3 their efforts and I was moved into the chemical sales
 4 area and I went with Gaess Environmental Services in
 5 Passaic, New Jersey for about nine months. And I can
 6 tell you that we were let go from that company on
 7 July 6, 1976.
 8 Q. And when you say we, who do you mean?
 9 A. A number of salesmen including Bob
 10 Landmesser.
 11 Q. And why were you let go?
 12 A. I believe it was because they had
 13 reached their maximum capacity and they no longer
 14 needed a sales force. We were laid off.
 15 Q. When you say chemical sales at the merge
 16 Scientific and Gaess company, what did that entail?
 17 A. We were involved in going to various
 18 companies and finding chemical disposal solutions for
 19 their various chemical materials for the company that
 20 we were represented by.
 21 Q. Did Gaess also operate landfills at that
 22 time?
 23 A. No. I don't think so. I don't
 24 remember.
 25 Q. What disposal sites were you arranging

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1 the disposal of the customer's waste for?
 2 A. Marisol and an operation in Middlesex,
 3 New Jersey which was Solvent Recovery Operations. We
 4 did a lot of -- tried to move materials away from --
 5 there was -- the regulations were not established at
 6 that time and so we were seeing waste -- we were
 7 seeking to have waste taken to places where it could
 8 be recovered. And we also -- waste was going to
 9 Kin-Buc Landfill in Edison, New Jersey at that time.
 10 Gaess and Scientific operated Kin-Buc Landfill. And
 11 Gaess and Scientific were in a partnership agreement.
 12 And so those were the principal two that I could
 13 recall. Oh, there was another one up in Buffalo, New
 14 York, the name has escaped me, though.
 15 Q. While you were at Gaess, did you also
 16 arrange for the transportation of the waste to a
 17 landfill?
 18 (OBJECTION) MR. SABINO: Objection to the form of
 19 the question using the word arranged. Arranged is a
 20 term of art under CERCLA and I object to its use.
 21 BY MS. MOONEY:
 22 Q. You can answer the question.
 23 A. Transportation was done by Gaess
 24 Environmental.
 25 Q. Did Gaess own trucks?

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1 A. Oh, yes.
 2 Q. And after Gaess what was your next
 3 position?
 4 A. After we were let go from Gaess, Bob and
 5 I started what would later become AETC.
 6 Q. When did the idea for starting AETC
 7 form?
 8 A. Prior to us being terminated because we
 9 were -- we were actually laid off, but it was evident
 10 that they were laying off salesmen. And we felt that
 11 we wanted to see a ethical treatment of our customers
 12 and also their waste materials. Because there had
 13 been in our opinion, deficit of that up until that
 14 time. Part of it was because there were no
 15 regulations at that time to govern it for the most
 16 part and it was run pretty much by trash haulers.
 17 Q. Can you recollect what year that was
 18 that you started AETC?
 19 A. Well, our beginnings were in 1976, July.
 20 Q. So you started it immediately upon
 21 leaving Gaess July 1976?
 22 A. I went out and interviewed. I went to
 23 an employment agency and began interviewing with
 24 other companies. And because of my background where
 25 I had been in the field that I had been in

4 (Pages 10 to 13)

John P. Leuzarder, Jr.

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1 incineration was no longer an acceptable alternative
2 and so on and so forth. So I ended not finding
3 anything acceptable and the result was that Bob and I
4 stuck together and we formed the beginnings of AETC.

5 Q. And how long were you with AETC?

6 A. Until in, I believe this is correct,
7 until December 31, 1987. It's either '86 or '87. I
8 think it was '87.

9 Q. And why did you stop in December 31,
10 1987 working for AETC?

11 A. Frankly, I was burnt out.

12 Q. Did you go on to hold another position
13 after that time?

14 A. No, I had been doing woodworking ever
15 since.

16 Q. Do you own a woodworking business?

17 A. No, I do it more volunteer. I do a lot
18 of volunteer work and I build a lot of furniture for
19 various camps or things of that nature as a
20 volunteer.

21 Q. When you first started AETC in July
22 1976, were you one of the owners of the company?

23 A. Yes.

24 Q. Were you half owner of the company?

25 A. Yes.

Page 15

1 Q. Did AETC issue stock?

2 A. No.

3 Q. Was Landmesser an owner of the company
4 at that time, July 1976?

5 A. Yes.

6 Q. Did you hold a corporate office at that
7 time?

8 A. No. We worked out of my house on
9 Randolph -- in Randolph, New Jersey.

10 Q. Who was the president of AETC?

11 A. Bob Landmesser.

12 Q. Who was the vice president?

13 A. Myself.

14 Q. Did you hold the title of vice president
15 throughout your tenure at AETC?

16 A. Yes.

17 Q. Did you hold any other position at AETC?

18 A. I was, I guess you'd say I was involved
19 in the sales department, accounting department, Bob
20 was as well but we shared that responsibility. But
21 principally over the course of those ten years that I
22 was involved in a lot of different areas within the
23 company. So I guess you'd call myself -- I share the
24 responsibility with Bob. And that was basically my
25 title was just vice president.

Page 16

1 Q. Did you have any other employees in
2 1976?

3 A. I don't recall.

4 Q. Did you have an office manager?

5 A. It's very vague to me, you know as to
6 those details what occurred, I don't recall.

7 Q. In what year did you bring on any other
8 employees?

9 A. I can -- what I can remember is
10 operating in our garage at our home, my home that I
11 owned at that time and we began to take on
12 secretarial help. I think we had a girl named
13 Phyllis Mulligan. Phyllis Mulligan who is now
14 Phyllis Leuzarder. She's my brother's wife.

15 Q. When did she work for you?

16 A. Again, in those first couple years.

17 Q. Did she provide secretarial support?

18 A. Yes, she was secretary. Later she went
19 into sales but I'm not sure whether that was '77,
20 '78.

21 Q. Anyone else you can recall in the first
22 few years that was employed by AETC other than you,
23 Mr. Landmesser and Phyllis Mulligan?

24 A. I'm trying to think who was there then.

25 I don't remember. But what happened was, the town

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1 congratulated us on our success because it had been
2 known and asked us now to find a real office. And at
3 that point the company was growing. We had a
4 salesmen working for us, a fellow who was there only
5 a short time. I think, if I'm not mistaken, at one
6 point we had help from a woman name Roberta Strain
7 Bobby Strain, whose husband worked for National
8 Starch.

9 Q. Could you spell that last name?

10 A. S-t-r-a-i-n, Strain. Oh, the salesman's
11 was Kevin Donovan.

12 Q. Do you know when he was employed by
13 AETC?

14 A. I would say in the '87 -- '78 -- '77,
15 '78 era.

16 Q. What about Roberta Strain?

17 A. I don't really recall. Somewhere in
18 those early years.

19 Q. You mention that AETC found a new
20 location after working in your garage, where was
21 that?

22 A. We rented offices in Morris Plains on
23 Speedwell Avenue. I believe it was called the Dayton
24 Building or something.

25 Q. When did you move there?

5 (Pages 14 to 17)

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1 Q. Do you recall any of the facilities that
2 became the ultimate disposal site for the materials
3 that AETC handled?

4 A. One that stands out in my mind in Newco
5 Environmental up in -- N-e-w-c-o, up in Niagara Falls
6 where a lot of materials went over the years. I'm
7 not sure. We may have sent some stuff to Rowlands
8 Environmental in those days, I don't know. We
9 certainly sent stuff to Marisol, Factory Lane in
10 Middlesex and of course others I just don't recall.

11 Q. Did you ever dispose of waste that AETC
12 hauled at the Boarhead Farm site?

13 A. No.

14 Q. Did AETC in 1977 or '78 haul anything
15 other than these lab, spent lab materials that you
16 described?

17 A. We didn't, no. We were, of course, as I
18 said, like a real estate broker making connections
19 with other things. And, of course, that was the
20 Ashland acid and so on and so forth. And it was Fred
21 DeRewal's operation to actually send in the trucks
22 and haul out material to the Philadelphia facility.
23 So we did have some -- we did have some brokerage
24 operations, if you will, where we connected up, I
25 think it was All County Environmental was a trucking

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1 company who handled principally solvents that were
2 going to incineration in a large cement kiln approved
3 by the State of New York up in New York State at that
4 time. But, again, the time periods are vague in my
5 recollection. But they were hauling bulk materials.
6 We would -- somebody would have solvent materials
7 that needed to be reclaimed, it would go to Marisol.
8 Somebody had solvent materials that were mixed then
9 it could not be reclaimed, it might go to the Solite
10 facility in New York State to All County.

11 The Wissinoming site was for the acid
12 materials that we had. And so we would bring our
13 customers to the various facilities, they would look
14 them over. They would basically approve them. We
15 would either -- we would recommend them say based
16 upon what information we had and they would at that
17 point make up their mind as to whether they wanted to
18 use it and then the materials would be shipped there.

19 And in the bulk material -- principally
20 in the bulk material full truckload it was always
21 done by an outside contractor.

22 Q. What types of companies were AETC's
23 customers in 1976?

24 A. We called on many of the companies that
25 we had previously called on with Gaess Environmental

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1 and with Scientific. And it was National Starch and
2 Chemical, it was Ashland Oil, it was Exxon, it was
3 Ciba Geigy and so on.

4 Q. What about in 1977?

5 A. Same thing.

6 Q. '78?

7 A. Yeah. And the companies that trusted us
8 to handle their materials, American Cyanamid I
9 believe began to use us. It became -- it grew
10 significantly of course over the course of time. By
11 the time I left there was probably, I'm guessing, 250
12 companies that were using our facilities. We were
13 well respected by the State of New Jersey and by a
14 number of organizations and we had earned the respect
15 and trust of our customers and as well as the state
16 people who regulated us.

17 Q. In the early years, meaning, 1976, '77,
18 '78, how much contact with AETC have with the
19 government?

20 A. Actually, we began to have a lot of
21 contact. Because in those days it was very vague as
22 to who was doing what. And, again, the -- we spent a
23 lot of time with Dr. Ron Buchanan of the New Jersey
24 State DEP. He was the head of the DEP at the
25 beginning when they started to form, develop state

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1 regulations and laws and we were intimately involved
2 with him in that and began to get involved and get
3 closer and closer. We also spoke to the American
4 Chemical Society and were helping them to develop,
5 promulgate regulations on chemical storage safety or
6 standards is a better word, standards for chemical
7 storage safety.

8 I worked -- I was on a commission in
9 Washington with the American Chemical Society for
10 about a year and a half as well, helping trying to
11 bring this whole Federal Resource Conservation
12 Recovery Act together so that we could have some
13 common standards nationally, which the Federal
14 Resource Conservation Recovery Act I believe it was,
15 as I said, in 1976 was not really developed until
16 later on. It was an act of congress that later
17 became developed.

18 But our -- what we saw was there were
19 people that were doing things in a way that was
20 not -- that was not acceptable, dumping things in
21 improper ways. And it was just the way things were
22 done in 1976 and before and it was terrible.

23 And so Bob and I decided our company,
24 Advanced Environmental Technology has got to go after
25 and help to develop regulations and methods and ideas

8 (Pages 26 to 29)

Page 30

1 and encourage people who are doing things right.
 2 And, frankly, people who were doing things correctly,
 3 you know, at that time, and, again, correctly today
 4 and correctly then may have been different, but who
 5 were trying to do things right were priced so high
 6 that the average company didn't want to pay the
 7 proper prices for disposal of materials in a correct
 8 manner. Because just like it is today, people are
 9 cost conscious. And what we were trying to do was to
 10 convince our clients that they needed to spend the
 11 money and be willing to spend the money to properly
 12 dispose of these materials so that they would not do
 13 further environmental damage and that took years.
 14 Q. You mention that one of the ways that
 15 AETC got customers early on was contacting companies
 16 that had Gaess?
 17 A. That Gaess and Scientific had, we had
 18 called upon through them, yes.
 19 Q. How did you identify the haulers of your
 20 customer's waste?
 21 A. In other words, how did we identify or
 22 how did we select?
 23 Q. Well, how did you get them?
 24 A. How did we get them. Same way we
 25 found the disposal sites basically, telephone

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1 conversations. The State of New Jersey and other
 2 states in those times were publishing a list of
 3 acceptable haulers, they were permitted haulers at
 4 that time. We didn't know anything about them. We
 5 just knew that they were listed on a piece of paper
 6 sent to us by Ron Buchanan as haulers who were
 7 acceptable to the New Jersey Department of
 8 Environmental Protection for the handling of certain
 9 types of waste materials and basically we would pick
 10 off that list.
 11 Q. In addition to the list, did you get
 12 haulers in any other way?
 13 A. You would — well, in the case of, as an
 14 example DeRewal, he had his own trucks. So if you
 15 were going to use his facilities, you also had to use
 16 his trucks.
 17 Q. Do you know if DeRewal was on this list?
 18 A. I believe he was, but I'm not sure. I
 19 don't remember whether — I think to haul in New
 20 Jersey you had to be on — you had to have a New
 21 Jersey DEP trucking certification, yes, so I believe
 22 he was.
 23 Q. Did you advertise for haulers?
 24 A. No.
 25 Q. Did haulers generally come to AETC in

Page 32

1 these early years or was it vice versa?
 2 A. Vice versa.
 3 Q. So AETC sought out haulers?
 4 A. Sought out a few reliable haulers at the
 5 time to accommodate our needs.
 6 Q. What about disposal sites?
 7 A. We were — everything was by hearing
 8 about a facility, then going and investigating it,
 9 finding out what they were doing, how they were doing
 10 it, so on and so forth. It was very, very vague in
 11 the early years as to who was doing what. There were
 12 some good companies around and, frankly, when we
 13 visited the DeRewal site in Philadelphia it looked
 14 like he had a state of the art acid neutralization
 15 facility. And I was there I could remember with Art
 16 Curley of Ashland, we looked at it carefully —
 17 Q. Before we actually get to the specific
 18 site, just generally speaking, was the same kind of
 19 thing for disposal sites —
 20 A. Absolutely.
 21 Q. — you would go out and seek them out.
 22 A. We'd seek. We'd find out their
 23 reputation. We'd hear — we'd talk to the DEP. We'd
 24 ask Ron Buchanan or others, you know, what do you
 25 think of this facility and does it seem to make sense

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1 and, you know, do you think they're doing things
 2 correctly and so on and so forth.
 3 Our whole goal was to protect our image
 4 and the image of our customers from unscrupulous
 5 disposers. Because we were in it for the long term.
 6 And AETC starting at a very awkward period in history
 7 did extremely well in terms of maintaining the
 8 integrity that it started seeking and gaining the
 9 confidence of our 250 Fortune 500 customers. We had
 10 an excellent reputation with the federal, state and
 11 local governments that we dealt with. And there were
 12 some glitches in it, unfortunately, that we were not
 13 aware of.
 14 Q. Let's turn to AETC's dealings with
 15 DeRewal specifically. Obviously you recognize the
 16 name Manfred DeRewal. What's the first contact you
 17 had with Manfred DeRewal?
 18 A. Myself — I believe that Bob, my partner
 19 was more involved in finding facilities. And I don't
 20 believe that I initially contacted DeRewal myself,
 21 matter of fact, I'm quite confident of that. But I
 22 had our customer which was a company that I had dealt
 23 with previously with Gaess Environmental Services and
 24 knew that they had a large and very difficult acid
 25 stream, nitric acid stream that they could not find

9 (Pages 30 to 33)

Page 34

1 anyone to dispose of. So we were also doing a few
2 other things for them as well, more in the laboratory
3 chemicals if I'm not mistaken. Maybe there had been
4 some solvents going to Marisol or something of that
5 nature.

6 But we – Bob, I believe, was
7 diligently looking for alternatives for that and I
8 believe discovered that there was a facility and how
9 we discovered that I do not know. But that there was
10 a facility in Pennsylvania that specialized in that,
11 or and it may have been that Art Curley had heard
12 about it and asked us to go and look into it.

13 Q. Do you remember the year?

14 A. I guess it was '76. It was one of our
15 first relationships that we had after we were laid
16 off from our jobs.

17 Q. What was the name of the company that
18 you mentioned that had the large acid waste stream
19 that you had problems finding alternatives for?

20 A. Ashland Chemical Company of Great
21 Meadows, New Jersey.

22 MR. SABINO: I'm sorry, but you
23 mischaracterized his testimony. He said they were
24 having troubles. They didn't know where it should
25 go. You said he was having troubles.

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1 THE WITNESS: Yeah, it wasn't – I
2 wasn't having trouble. They were asking me can you
3 help us, our facilities are basically going to be
4 shut down unless you can find – help us find an
5 alternative.

6 MS. MOONEY: Let's go off the record
7 for a second.

8 (Off-the-Record Discussion)

9 BY MS. MOONEY:

10 Q. So at the point in time that AETC
11 discovered DeRewal, was Ashland already a customer of
12 AETC's?

13 (OBJECTION) MR. SABINO: Objection to the form of
14 the question. AETC discovered DeRewal, I object to
15 it. Go ahead.

16 BY MS. MOONEY:

17 Q. You can answer.

18 A. Too vague. I just know that our friend
19 Art Curley had asked us to – we were doing a couple
20 things up there, I don't remember exactly what they
21 were. And he had mentioned that he had this
22 difficult problem with this oxidizing acid and was
23 either telling us that he thought he had found
24 somebody to do it but he wasn't sure or did we know
25 of somebody that could do it. And I know that what

Page 36

1 we did, we then began to call the State of
2 Pennsylvania, the State of New Jersey. We went out
3 and you get on the phone and you start to make phone
4 calls and you say do you know anyone that could
5 handle this type of material.

6 And, eventually, I believe it was
7 either Art or Bob, my partner, discovered that there
8 was a facility in Pennsylvania that had an acid
9 neutralization facility in Philadelphia and we then
10 went and visited that facility. I'm not sure whether
11 we visited it with Art the first time or not. We
12 made – as I recall we made two visits, one was to
13 his offices, Mr. DeRewal's offices which was in the
14 farm that we are talking about. And he had a, I
15 think it was a converted chicken coop made into an
16 office. We met him up there and we went down and
17 visited the Wissinoming facility.

18 Q. Was the first visit you described to the
19 Boarhead Farm site your first contact with Mr.
20 DeRewal?

21 A. I think it was the first time, either
22 that or at the Wissinoming site. I can't remember if
23 they were the same day. They weren't that far apart
24 if I remember, maybe an hour. But I'm not sure
25 whether – I remember being at the Boarhead Farm one

Page 37

1 time, beautiful farm. It was home as far as I knew.
2 I live on a farm now. I live on a hundred seventeen
3 acre dairy farm so I love farms, not the way that
4 farm turned out.

5 We met Mr. DeRewal at his office for
6 the first time. And we at some point in time visited
7 the Wissinoming site and whether that was with Art
8 Curley of Ashland at that point, I'm not sure, but we
9 did visit that facility down there a couple times.

10 Q. Do you recall what year the visit to the
11 farm site was?

12 A. '76, '77. I assume it was in '76, but
13 it could have been '77.

14 Q. And who was there other than yourself
15 and Mr. Landmesser and Mr. DeRewal at that visit?

16 A. His secretary.

17 Q. And who was that?

18 A. Don't remember her name.

19 Q. A woman?

20 A. A woman, yes.

21 Q. Anyone else there?

22 A. There was probably some people working
23 around the farm, but, you know.

24 Q. And as far as you know this was your
25 first meeting with DeRewal?

10 (Pages 34 to 37)

Page 34

1 anyone to dispose of. So we were also doing a few
2 other things for them as well, more in the laboratory
3 chemicals if I'm not mistaken. Maybe there had been
4 some solvents going to Marisol or something of that
5 nature.

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7 diligently looking for alternatives for that and I
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14 farm that we are talking about. And he had a, I
15 think it was a converted chicken coop made into an
16 office. We met him up there and we went down and
17 visited the Wissinoming facility.

18 Q. Was the first visit you described to the
19 Boarhead Farm site your first contact with Mr.
20 DeRewal?

21 A. I think it was the first time, either
22 that or at the Wissinoming site. I can't remember if
23 they were the same day. They weren't that far apart
24 if I remember, maybe an hour. But I'm not sure
25 whether -- I remember being at the Boarhead Farm one

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1 time, beautiful farm. It was home as far as I knew.
2 I live on a farm now. I live on a hundred seventeen
3 acre dairy farm so I love farms, not the way that
4 farm turned out.

5 We met Mr. DeRewal at his office for
6 the first time. And we at some point in time visited
7 the Wissinoming site and whether that was with Art
8 Curley of Ashland at that point, I'm not sure, but we
9 did visit that facility down there a couple times.

10 Q. Do you recall what year the visit to the
11 farm site was?

12 A. '76, '77. I assume it was in '76, but
13 it could have been '77.

14 Q. And who was there other than yourself
15 and Mr. Landmesser and Mr. DeRewal at that visit?

16 A. His secretary.

17 Q. And who was that?

18 A. Don't remember her name.

19 Q. A woman?

20 A. A woman, yes.

21 Q. Anyone else there?

22 A. There was probably some people working
23 around the farm, but, you know.

24 Q. And as far as you know this was your
25 first meeting with DeRewal?

10 (Pages 34 to 37)

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1 A. Yes, I believe that was it, yes.
 2 Q. Okay, and what was the purpose of that
 3 meeting?
 4 A. Get acquainted, talk, see whether his
 5 facilities were legitimate, to try to evaluate him,
 6 his knowledge and expertise. He seemed to be
 7 extremely knowledgeable, way above what we were and
 8 talked with authority and talked with a lot of
 9 understanding about the whole field of acid and
 10 chemical neutralization and so on.
 11 Q. Do you recall any of the questions that
 12 you posed or Mr. Landmesser posed to Mr. DeRewal at
 13 that meeting?
 14 A. No.
 15 Q. Do you recall anything that Mr. DeRewal
 16 said to you at that meeting?
 17 A. No.
 18 Q. You mentioned another meeting with Mr.
 19 DeRewal at the Wissinoming facility?
 20 A. Yes.
 21 Q. Do you recall when that was?
 22 A. No.
 23 Q. Do you recall if it was before or after
 24 the visit to the Boarhead Farm?
 25 A. No.

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1 Q. What was the purpose of the visit to the
 2 Wissinoming facility?
 3 A. To see his chemical neutralization
 4 facilities. And, again, I'm no chemist. I had no
 5 chemistry other than high school so and I got a D in
 6 it.
 7 MR. SABINO: I think I did too.
 8 THE WITNESS: But we looked at his
 9 neutralization facility. We looked at the rationale
 10 associated with it. It seemed to be he had huge
 11 piles of lime, which would have been used, in my
 12 elementary understanding, that would have been used
 13 to neutralize acids. He seemed to have technology
 14 that seemed at least logical to me that would work.
 15 And I'm not sure if we had Mr. Curley
 16 with us at that time or whether Art came on the
 17 subsequent visit where we actually visited the
 18 facility. And Art looked it over and he being a
 19 plant manager of the Ashland plant there in Great
 20 Meadows and far more knowledgeable about the
 21 chemistries involved, gave the place a seal of
 22 approval and said yes, it looks like this place
 23 will — he could do the job that he's saying he's
 24 doing.
 25 Q. Was Mr. Landmesser at that meeting at

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1 the Wissinoming facility?
 2 A. I don't remember.
 3 Q. Other than yourself and Mr. DeRewal and
 4 maybe Mr. Landmesser, was there anyone else there?
 5 A. No.
 6 Q. And maybe Mr. Curley?
 7 A. Oh, Mr. Curley was there, obviously.
 8 But at that, which may have been the second time I
 9 was at the Wissinoming site.
 10 Q. I'm sorry?
 11 A. Which may have been the second time I
 12 was at the Wissinoming site. I just don't recall
 13 whether I had gone there with Bob and we looked it
 14 over and said yes, this seems to be worthy to bring,
 15 you know, a customer down and look at it or not, but.
 16 Q. Do you recall any discussions as to any
 17 waste generated by Mr. DeRewal at the Wissinoming
 18 facility?
 19 A. No.
 20 Q. How about discussions of by-products of
 21 his neutralization technique at the facility?
 22 A. No. He said he had a permit to
 23 discharge the neutralized acids which were now
 24 basically water and other things into the river, I
 25 know that and he had a permit to do that, that's all

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1 we knew.
 2 Q. Did he show you a copy of the permit?
 3 A. Yes.
 4 Q. Do you recall anything the permit said?
 5 A. No.
 6 Q. Do you recall the issuing authority?
 7 A. No.
 8 Q. Do you recall anything Mr. DeRewal said
 9 at that visit at the Wissinoming facility?
 10 A. No, except that he sounded like he
 11 really knew what he was talking about. And we were
 12 impressed by his apparent knowledge of chemical acid
 13 neutralization and so on. He had other customers, I
 14 believe, I don't know who they were. And he was
 15 doing — he was handling a variety of things at that
 16 time. But our interest was principally in the area
 17 of the acid neutralization on our first meetings.
 18 Q. Other than the visit to Boarhead Farm
 19 and the Wissinoming facility, do you recall any other
 20 contacts you had with Mr. DeRewal?
 21 A. Perhaps over the phone. Certainly we
 22 communicated by letter as we would consider things,
 23 but talking now and then, I don't — it's vague in my
 24 memory of how many times I actually met the man. I
 25 don't recall.

11 (Pages 38 to 41)

<p style="text-align: right;">Page 42</p> <p>1 Q. How about Freddie DeRewal? Did you ever 2 have any contact with a man named Freddie DeRewal? 3 A. Not that I remember. 4 Q. How about Bruce DeRewal? 5 A. No. 6 Q. How about Linda Cochran? 7 A. I believe that was his secretary that 8 worked for Fred. 9 Q. Did you ever have any contact with her? 10 A. Through -- as I would call her on the 11 phone and we would talk and so on and so forth, yes. 12 Q. Do you recall any conversations you had 13 with her? 14 A. No. 15 Q. Do you recall when those conversations 16 would have taken place? 17 A. No. 18 Q. How about June Stephens? 19 A. Don't recognize that name. 20 Q. How about Jeffrey Shaak? 21 A. No. 22 Q. How about John Barsum? 23 A. No. 24 Q. Do you recall having any contacts with 25 any other employees of DeRewal's?</p>	<p style="text-align: right;">Page 44</p> <p>1 tanks. 2 MR. SABINO: She was asking you if you 3 saw any tanks. 4 THE WITNESS: No. 5 MR. SABINO: Thank you. 6 BY MS. MOONEY: 7 Q. But you saw tanker trucks? 8 A. I saw, I believe that he had some of his 9 trucks that he would use to conduct his business 10 parked at that facility at that farm. And that he 11 would go out from there and pick up the materials, 12 bring them to his site, empty those tank trucks and 13 they would return there to be parked. 14 Q. Do you recall any details of these 15 tankers that you saw? 16 A. All I can remember is that they were 17 acid tankers specializing in acids. 18 Q. And how did you know that they were acid 19 tankers? 20 A. An acid tank truck tends to be smaller 21 in physical size because acid is by far heavier than 22 water and the placarding on it would indicate 23 corrosives. 24 Q. Was there any other words on the trucks 25 other than the placards?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. No. 2 Q. When you were at the Boarhead Farm site, 3 what did you see at the site? 4 A. I saw a pristine beautiful horse farm. 5 Q. Did you see any trucks? 6 A. There may have been. I was trying to 7 remember that earlier. What I gathered was that it 8 was -- he had some of his trucks kept there out of 9 the city and that he would -- that was -- I think 10 that was the basis of where his trucks would go out 11 and pick materials up and then bring it to the 12 Wissinoming site, but I don't -- I can't swear to it. 13 Q. Did you see any tanks? 14 A. Vaguely I can, you know, I have to say 15 that I believe there were acid tankers there at that 16 facility, the ones that he would use to haul from 17 Ashland to Wissinoming. 18 Q. Do you recall any -- do you need to take 19 a break? 20 MR. SABINO: I'm sorry, was your 21 question did you see any tanks or did you see any 22 tankers? 23 BY MS. MOONEY: 24 Q. Tanks. 25 A. Oh, no. No tanks. Tank trucks, not</p>	<p style="text-align: right;">Page 45</p> <p>1 A. No. I don't remember. 2 Q. No identifying information? 3 A. I believe, I think it said -- I'm 4 guessing, but please don't -- I believe it said 5 DeRewal Chemical on the tractors, but I don't 6 remember. 7 Q. Do you recall how many acid tankers you 8 saw there? 9 A. I'm guessing, two. 10 Q. When you were at the Wissinoming 11 facility, what did you see there? 12 A. Large pile of lime which was used for 13 the neutralization of the acid, a large tank system, 14 which -- an acid neutralization tank system with a 15 lot of apparatus associated with it. Again, I was 16 not a chemical engineer. And a number of gates, 17 obviously, fences and a number of buildings that were 18 in need of repair. They were not in great shape most 19 of them. I don't think we could see the river from 20 there, I may be wrong, but I don't recall it. 21 Q. How many buildings comprise the 22 Wissinoming facility? 23 A. I don't remember. It might have been 24 one big one or maybe two or three, I don't know. 25 Q. Did you see any trucks there?</p>

12 (Pages 42 to 45)

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1 A. I don't remember.
 2 Q. Did you see anything else?
 3 A. I've seen drums there. I believe there
 4 were some drums there.
 5 Q. Do you know what was in the drums?
 6 A. Can't be sure. Might have been lab
 7 chemicals, my might have been other things, I don't
 8 know.
 9 Q. How many drums did you see?
 10 A. Twenty, thirty. Might have been more, I
 11 don't remember.
 12 Q. Did you ask Mr. DeRewal about the drums?
 13 A. You know, I don't really remember
 14 exactly. He seemed to be operating a facility there
 15 that made sense. So it seemed very normal that he
 16 would have those things there.
 17 Q. Did he describe — other than acid
 18 neutralization, did he describe anything else that
 19 was done at the Wissinoming facility?
 20 A. Yes, he said he was recover laboratory
 21 reagent chemicals separating out silver, I believe,
 22 and other, other heavy metals for recovery.
 23 Q. Did AETC ever use his services in that
 24 capacity?
 25 A. I believe so.

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1 Q. Do you recall for what customers?
 2 A. No.
 3 Q. Do you recall when?
 4 A. No.
 5 Q. Prior to 1980?
 6 A. Well, it would have to be because
 7 obviously this all — he got himself into trouble, I
 8 believe, in '77, so.
 9 Q. And what exactly did AETC hire him to do
 10 in that way?
 11 MR. SABINO: Are you talking about the
 12 recovery of heavy metals?
 13 MS. MOONEY: Yes.
 14 THE WITNESS: Laboratory chemicals and
 15 other things, I don't recall.
 16 MR. SABINO: Do you mind if we take a
 17 break?
 18 MS. MOONEY: Yes, that's fine.
 19 BY MS. MOONEY:
 20 Q. Do you recall the name of Manfred
 21 DeRewal's business that AETC dealt with?
 22 A. I thought it was DeRewal Chemical.
 23 Q. Does the name DeRewal Chemical Company
 24 sound familiar to you?
 25 A. Yeah.

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1 Q. All right, I want to look a little more
 2 closely at the nature of the business relationship
 3 between DeRewal Chemical Company and AETC. What was
 4 the nature of the business relationship between
 5 DeRewal Chemical Company and AETC in 1976?
 6 A. As I stated before, we were a brokerage
 7 firm that like a real estate operation was connecting
 8 up sellers of services with those in need of such
 9 services on the basis that the supplier of the
 10 services, in this case, DeRewal Chemical Company was
 11 approved by the necessary — by the appropriated
 12 authorities. And that the customer in this case
 13 Ashland Chemical, would make, would also — we'd
 14 check out their credentials as well, that we would
 15 connect it to that they might develop a relationship
 16 and that we were paid a commission by DeRewal
 17 actually, we billed — we billed — that's incorrect.
 18 Let me restate that.
 19 We billed Ashland for the cost that we
 20 were being charged by DeRewal for the neutralization
 21 of acids and so on plus a profit for ourselves. And
 22 we would then pay DeRewal Chemical what they were
 23 asking for the individual truckload prices of
 24 neutralization of those particular chemicals.
 25 Q. What paper was generated in that

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1 transaction?
 2 A. The paper would be a Department of
 3 Transportation shipping document issued by Ashland to
 4 DeRewal if that's what they called their trucking
 5 operation, I think they did. But in other words,
 6 they would give a DOT shipping document to the
 7 trucker for transportation material to that specific
 8 location, to Wissinoming Industrial Park.
 9 So the DOT shipping document would be
 10 the first thing. And then second of all would be a
 11 invoice from DeRewal Chemical to us, AETC, for
 12 services rendered both for trucking and disposal.
 13 And then a piece of paper would be generated from us
 14 to Ashland on the billing of the DeRewal invoice plus
 15 our commission.
 16 Q. Would that last document that you
 17 described, was that an invoice?
 18 A. Yes, it was.
 19 Q. And how did AETC calculate its profit?
 20 A. It varied with the individual jobs.
 21 Q. In this — in your relationship with
 22 DeRewal, how did you calculate your profit?
 23 A. I don't remember.
 24 Q. Do you recall in this 1976, 1977 time
 25 frame, how AETC calculated its profit with other

13 (Pages 46 to 49)

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1 customers?

2 A. I think it was what the market would
3 bear.4 Q. Did the profit depend on the type of
5 waste you were brokering?

6 A. Yes.

7 Q. And how did the type of waste have a
8 bearing on the profit?9 A. If it was water waste and it was
10 nontoxic, it would bear a very small percentage of
11 profit, perhaps a penny, a penny and a half a gallon.
12 As the waste became more difficult, if you will say,
13 it would bear a different, obviously more risk, more
14 higher percentage of profit.15 Q. When you say more risk, what do you
16 mean?17 A. To the trucker and to the -- it was
18 more -- what I'm saying it's pretty much how much the
19 market would bear in that particular case. So if we
20 could make 20 percent, we would. If you could only
21 make a 1 percent, you would. But as a broker, if you
22 will, we were happy with whatever we could make,
23 frankly, especially when we were starting.24 Q. Did DeRewal charge you more for more
25 hazardous wastes?

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1 do something with that document in turn?

2 A. In that time frame, I don't remember.

3 Q. Was a bill of lading generated for every
4 shipment that a transporter hauled?

5 A. Technically, yes.

6 Q. Was that the law at the time?

7 A. I believe so. U.S. Department of

8 Transportation was regulating the transportation of
9 hazardous materials for many, many years. Whereas
10 the Federal Resource Conservation Recovery Act, which
11 began to introduce regulations on hazardous waste
12 materials came later. But -- and then they had their
13 own standards. But the U.S. Department of
14 Transportation was in full force and effect at that
15 time.16 Q. So these bills of lading were required
17 by the Department of Transportation, not, for
18 example, the EPA or another regulatory body?

19 A. Right.

20 Q. Other than yourself, did anyone else at
21 AETC have any dealings with DeRewal Chemical Company?22 A. I don't remember. Bob, John and Bob. I
23 believe we were the principal contacts with Fred
24 DeRewal through his secretary.

25 Q. And the -- when was the beginning, if

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1 A. Well, we only had certain waste streams
2 with him, the acid being the principal one and that
3 was agreed upon up front. So he would charge us what
4 was right, what he needed in order to neutralize it
5 and to take care of it and to transport it and we
6 would simply add something to that price and pass it
7 on to the customers.8 Q. You described a DOT shipping document
9 that the customer would give to the transporter, was
10 that a bill of lading?

11 A. Yes.

12 Q. Was the bill of lading actually
13 physically handed to the driver of the waste?

14 A. Yes.

15 Q. Do you know what the driver did with
16 that document?17 A. Put it in the truck and used it in case
18 he was stopped on the highway and it told what the
19 material was and where it was going.20 Q. Did the driver have a responsibility to
21 hand that document to someone else?

22 A. At the end, yes, at the other end.

23 Q. At the disposal site?

24 A. Yes.

25 Q. And did the disposal site then have to

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1 you can recall, of your relationship, your business
2 relationship with DeRewal?

3 A. Sometime in 1976.

4 Q. Do you recall when in 1976?

5 A. No.

6 Q. And what date was the end of AETC's
7 relationship --

8 A. I have no idea.

9 Q. -- with DeRewal?

10 A. I have no idea.

11 Q. Was it when he was put out of business?

12 A. As soon as we found out that he was
13 doing things in an improper way, we stopped that
14 relationship, because it was, obviously, it would
15 have been terrible jeopardy to our customer and also
16 to our own reputation.17 Q. Can you describe the legal relationship
18 between AETC and DeRewal Chemical Company?19 (OBJECTION) MR. SABINO: Objection to the form of
20 the question.

21 THE WITNESS: No.

22 BY MS. MOONEY:

23 Q. Was DeRewal Chemical Company a
24 subcontractor of AETC's?

25 A. I don't -- I don't remember.

14 (Pages 50 to 53)

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1 Q. Was DeRewal Chemical Company an employee
2 of AETC?
3 A. No.
4 Q. Other than visiting the Wisconsin
5 facility and seeing DeRewal's permit for operating
6 that facility, did AETC take any measures to insure
7 that DeRewal was qualified to haul waste?
8 (OBJECTION) MR. SABINO: Objection to the form of
9 the question. You haven't established that that's
10 what their job was and he hasn't testified that's
11 what their job was. You could answer.
12 THE WITNESS: Right. The state permits
13 covered that issue. We were satisfied that he was
14 approved by the appropriate authorities and trusted
15 that the government's regulations on truckers and on
16 his activities were legitimate.
17 BY MS. MOONEY:
18 Q. Did he show you more than one permit
19 when you visited Wisconsin?
20 A. I don't remember.
21 Q. Do you recall if the permit you were
22 shown dealt with transportation and disposal or just
23 one or the other?
24 A. I don't recall.
25 Q. Did AETC require its haulers to submit

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1 to any formal training?
2 (OBJECTION) MR. SABINO: Objection to the form of
3 the question. Its haulers is vague.
4 BY MS. MOONEY:
5 Q. You can answer if you understand my
6 question.
7 A. No. Our own truckers -- when we
8 eventually put our own transportation fleet into
9 operation, our own drivers were very carefully
10 trained.
11 Q. When did AETC start training its own
12 drivers?
13 A. One of our first drivers was our -- one
14 of our main contacts at Ashland Chemical Company and
15 he was excellent and he was well trained. I forgot
16 his name, but he was from the Great Meadows facility.
17 He left Ashland, came to work for us and became the
18 head of our trucking operations. And that was
19 probably in '77, '78 period. And I don't recall his
20 name again, but it was -- we hired people who were
21 very, very familiar initially. And then as we put on
22 new drivers who were principally -- later on AETC
23 actually had master's degree guys driver our trucks.
24 We paid very well and our prices were fairly high
25 because we recognized the responsibility that we had.

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1 We wanted our drivers to be trained not only in the
2 regulations U.S. Department of Transportation, but
3 also well trained in emergency firefighting response.
4 They carried Scott packs and other equipment in their
5 trucks. And so we had a very elite group of drivers.
6 But that all started with this fellow from Ashland
7 whose name I cannot recall.
8 Q. You said he came on in '77?
9 A. I believe.
10 MR. SABINO: He said '77, '78.
11 THE WITNESS: Yes, '77, '78. And one
12 of the other fellows from Ashland also joined us, a
13 guy named Leon Hendershot and I believe he's still
14 with Bob in one of his other operations in, you know,
15 an offshoot of AETC.
16 BY MS. MOONEY:
17 Q. Do you recall when Mr. Hendershot joined
18 AETC?
19 A. No. He I think was our longest field
20 employee.
21 Q. Well, what steps, if any, did you take
22 to insure that DeRewal understood the safety aspect
23 of hauling your customer's waste?
24 (OBJECTION) MR. SABINO: Objection to the form of
25 the question.

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1 THE WITNESS: They were very familiar
2 with acids and we weren't, so we took their word for
3 it. And they had the licenses and, you know,
4 necessary trucking and certifications to say that
5 they could do this. So we assumed that they were
6 experts in an area that we were not.
7 BY MS. MOONEY:
8 Q. Did AETC take any steps to review
9 DeRewal's driving record?
10 A. No.
11 Q. Did AETC do a criminal background check
12 of DeRewal Chemical --
13 A. No.
14 Q. -- or DeRewal?
15 Did AETC inquire into Mr. DeRewal's
16 educational requirement, any education that he had?
17 A. No.
18 Q. AETC get any references from DeRewal?
19 A. I don't remember.
20 Q. Was that typically something that AETC
21 would do with its drivers?
22 A. If they were our own personal drivers
23 that we had hired to work for the company, of course.
24 But since this was an outside trucking firm hauling
25 their material to their own facilities and were

15 (Pages 54 to 57)

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1 approved by the agencies that licensed them, we
2 didn't go through that procedure on the basis that
3 the government knew what they were doing.
4 Q. Did AETC take a copy of the permits that
5 were shown to you by DeRewal?
6 A. Oh, yes.
7 Q. You took copies?
8 A. We had copies, yes.
9 Q. Do you know what happened to them?
10 A. No.
11 Q. Do you know where they would be today?
12 A. No.
13 Q. Did AETC have a contract with DeRewal
14 Chemical Company?
15 A. I don't believe so.
16 Q. How did you memorialize the agreement
17 that you had with DeRewal?
18 (OBJECTION) MR. SABINO: Objection to the form of
19 the question. He didn't say it was memorialized.
20 THE WITNESS: I believe like with most
21 of our facilities that we dealt with over the years
22 it was basically a handshake agreement. Here's the
23 price for the material for this year. And we knew
24 what the price would be for disposal. And if they
25 were going to pass a price increase on to us, they

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1 would need to give us that at least with 30 days
2 written notice to tell us that there's going to be a
3 change so that we could make adjustments to our price
4 to our customers, but it was very informal.
5 BY MS. MOONEY:
6 Q. Did AETC retain DeRewal Chemical for
7 transporting and disposing of its customer's waste?
8 A. Again, we never retained them in the
9 sense of the word. Did we use -- did we use DeRewal
10 for disposal, yes. Did we use them for
11 transportation particularly of acid streams, yes. As
12 to -- but we certainly didn't have a contract of any
13 sort with them. It was done informally. It was, you
14 know, we have this here, can you handle it, yes, how,
15 so on. Learning about their facilities and what they
16 do and here's what the price per drum or a gallon
17 will be and this is how we worked with most of our
18 people over the years. And you knew who they were.
19 And 99 percent of them were excellent at what they
20 did and that was the anomaly.
21 Q. Right, but your agreement with DeRewal
22 Chemical included both picking up the waste from your
23 customer and also disposing of the waste, not just
24 picking it up?
25 A. Yes.

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1 Q. Or just disposing of it?
2 A. Yeah, they didn't do trucking for us in
3 the sense of trucking to other facilities that I
4 remember.
5 Q. Other than the pricing, did the
6 agreement you had with DeRewal have any other terms
7 that you discussed with him?
8 A. Just that everything would be done in
9 conformance with the appropriate state and federal
10 regulations.
11 Q. Was that an oral representation that he
12 made to you or somebody else?
13 A. I believe it was our representation to
14 him that everything that -- we always said that
15 everything we said to our customers and we expect it
16 of him, everything would be done in conformance with
17 all state and federal appropriate -- applicable
18 state, federal regulations.
19 Q. The agreement that AETC had with
20 DeRewal, what customers was he to service for AETC?
21 A. I don't remember. Other than Ashland, I
22 just don't remember.
23 Q. Was he to handle all of AETC's customers
24 acid waste?
25 A. No. We had a variety of facilities

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1 developed over that course of time of companies that
2 handled materials. But he was primarily, not always,
3 but primarily bulk acid waste, bulk, meaning, full
4 truckload acid waste.
5 Q. What else did he handle for AETC's
6 customers?
7 A. I believe recyclable lab reagent
8 chemicals.
9 Q. Anything else?
10 A. Not that I remember. He may have
11 handled drums of acid waste as well, but that's --
12 I'm speculating. I don't remember exactly.
13 Q. Did AETC discuss with DeRewal what type
14 of vehicles he would be using in handling AETC's
15 customer's waste?
16 A. DOT -- they would have to be DOT
17 approved for that particular material.
18 Q. Did DeRewal have any dealings with your
19 customers himself?
20 A. Not that I'm aware of.
21 Q. Was that discussed in your meetings with
22 DeRewal?
23 A. Not that I remember.
24 Q. Did AETC discuss with DeRewal where he
25 would be disposing of their customer's waste?

16 (Pages 58 to 61)

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1 A. Yes.
 2 Q. And what did you discuss with him about
 3 that?
 4 A. The acids and any materials that he
 5 would recycle would be done at his Wisconsin
 6 facility.
 7 Q. Did he mention any other disposal sites
 8 to you?
 9 A. No.
 10 MR. SABINO: Off the record.
 11 (Off-the-Record Discussion)
 12 BY MS. MOONEY:
 13 Q. Did AETC in its agreement with DeRewal
 14 specify anything to him regarding ownership of the
 15 waste that he handled?
 16 A. As I recall it, if once a trucker took
 17 the material, it belonged to them.
 18 Q. Did your agreement -- did AETC's
 19 agreement with DeRewal specify anything regarding
 20 duration of the agreement?
 21 A. Didn't have an agreement, but in terms
 22 of a written agreement, but, no.
 23 Q. I meant your oral agreement?
 24 A. Forever.
 25 Q. What about payment? What provisions

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1 were made for timing of payment, for example?
 2 A. They wanted their money within 30 days
 3 and we endeavored to get it within 30 days from a
 4 customer -- we endeavored to get payment from our
 5 customer within 30 days in order to pay DeRewal on
 6 time. I don't remember whether we had to pay him
 7 immediately or whether it was over the normal 30 day
 8 span.
 9 Q. What did DeRewal Chemical Company's
 10 duties entail for AETC?
 11 A. Safely picking up where they were the
 12 trucker they safely -- they were to safely pick up in
 13 compliance with the federal regulations U.S.
 14 Department of Transportation and transport, properly
 15 placard, with properly trained drivers, in other
 16 words, according to DOT requirements and transport
 17 that material to the facility that was listed on the
 18 bill of lading and to properly unload those
 19 materials. And then DeRewal Chemical, that was the
 20 trucker, in other words, conformance with DOT, then
 21 DeRewal Chemical was to properly neutralize and
 22 dispose of all or recover all wastes that were
 23 shipped to them in conformance with all applicable
 24 state and federal regulations.
 25 Q. And none of this was put in writing?

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1 A. It may -- I think on all of our, you
 2 know, our correspondence when we had written, you
 3 know, basically letters back and forth to one
 4 another, this was all clearly specified. It was
 5 throughout the history of AETC on one side and the
 6 other. The Ashland Oil would hold us saying, you
 7 know, we want to make sure anything we ship to you is
 8 being done in compliance with state, federal
 9 regulations, we'd pass that on to the person who's
 10 actually doing the work.
 11 Q. You said where they were truckers, I
 12 think, referring to DeRewal, were there circumstances
 13 where DeRewal was not the trucker but he still
 14 disposed of the waste?
 15 A. There may have been with laboratory
 16 chemicals, I don't know.
 17 Q. In your agreement with DeRewal, was it
 18 his duty to supply vehicles for the transport of your
 19 customer's waste?
 20 A. Yes.
 21 Q. How was -- how did AETC assign DeRewal
 22 Chemical Company his jobs?
 23 A. Like, what do you mean?
 24 Q. Well, how did DeRewal Chemical Company
 25 know what it was supposed to do for AETC's customers?

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1 A. Based on an original contact via phone,
 2 checking out their, obviously their necessary permits
 3 and then bringing the particular customer to the
 4 facility to approve it.
 5 MR. SABINO: I don't think you
 6 understood her question. I'm sorry. Go ahead.
 7 BY MS. MOONEY:
 8 Q. How did DeRewal Chemical Company know
 9 what to do for one of AETC's customers?
 10 MR. BIEDRZYCKI: You mean on a specific
 11 occasion when there was something a load that
 12 somebody wanted?
 13 BY MS. MOONEY:
 14 Q. Yes. Can you describe the mechanics
 15 of --
 16 MR. SABINO: Once the relationship had
 17 been established.
 18 THE WITNESS: What were they supposed
 19 to do once they got to the site, in other words?
 20 BY MS. MOONEY:
 21 Q. Well, how did they know what site to go?
 22 A. They would -- the customer, Ashland
 23 would call us and say I have a load of acid that
 24 needs to be picked up. We would call -- one of our
 25 people would call down to DeRewal over to the office

17 (Pages 62 to 65)

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1 and say to their secretary or whoever was in charge
2 of transportation, Ashland has a load of material
3 that needs to be picked up, in this case the
4 oxidizing acids and they need it done, let's say
5 tomorrow, can you do it tomorrow? We'd call back to
6 the customer and say how about tomorrow morning, make
7 those arrangements. The truck driver would show up,
8 he knew exactly where to go and what to do.
9 Q. How did he know where to go?
10 A. Because it was always the same tank.
11 And he would have to greet, he'd have to meet the
12 Ashland representative. The two of them would work
13 together to get the truck loaded. The Ashland
14 representative, you know, who is responsible for the
15 process would be there to meet him, the truck driver
16 and they would be sure everything was copacetic and
17 they would load -- the driver would load the truck
18 under the supervision of the Ashland employee. And
19 once that was all sealed up, the bill of lading
20 prepared, the proper placards put on the truck, the
21 truck would exit and take it to Wissinoming.
22 Q. In the original agreement with DeRewal,
23 did you discuss how many times per week DeRewal would
24 be picking up a customer's waste?
25 (OBJECTION) MR. SABINO: I don't understand

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1 original. I object to the use of that word.
2 THE WITNESS: In the -- as we -- we
3 would rely strictly upon the customer to tell us what
4 they had and in this particular case how often they
5 inspected it. And if Ashland said we expect to
6 produce three tank load, tank wagon loads of this
7 acid a week, we would kind of let them know that
8 could vary. It could be two, could be one, could be
9 none, could be four, but the individual calls would
10 go out for individual loads.
11 BY MS. MOONEY:
12 Q. Who at AETC would be responsible for
13 calling DeRewal?
14 A. After the initial contact was made by
15 Bob and I as salespeople, it would go more to
16 secretarials.
17 Q. Do you know what secretary actually
18 would call DeRewal?
19 A. I don't remember.
20 Q. Any customers other than Ashland that
21 DeRewal serviced for AETC?
22 A. I don't know.
23 Q. You don't know?
24 A. I just don't know. I can't remember.
25 MS. MOONEY: Do you want to keep going,

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1 Tom?
2 MR. SABINO: Yes, we're good. It's
3 quarter after.
4 BY MS. MOONEY:
5 Q. Did AETC take any steps to insure that
6 DeRewal was doing his job properly after you
7 originally had an agreement with him?
8 (OBJECTION) MR. SABINO: Objection to the use of
9 the word properly.
10 THE WITNESS: Just make a phone call,
11 how did everything go? Fine. Went well.
12 BY MS. MOONEY:
13 Q. Anything else?
14 A. As long as he continued to be approved
15 by the appropriate authorities and his permits were
16 upheld, we had no -- we did not -- frankly, I'll be
17 honest with you, we did not question the man. We
18 thought he really was doing the job.
19 Q. And how did you -- how did AETC insure
20 that his permits were up to date?
21 A. They were required when the permit
22 expired to send us a new one immediately or it was
23 for a period of -- I guess they were required to keep
24 us up to date on the permits. And of course our
25 secretarial staff or whoever would keep a file or we

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1 would keep the file and make sure everything was
2 copacetic.
3 We were using contact too with the
4 state, particularly New Jersey DEP and we would be
5 talking to them almost on a weekly basis Ron Buchanan
6 and, you know, what the scuttlebutt was, who's doing
7 what and so on and so forth. And we if heard
8 anything we'd ask about specific companies because we
9 recognized that there was a lot of things going on in
10 the industry at that time and a lot of people
11 unfortunately were going to jail and we needed to be
12 very, very careful about who we dealt with. So we
13 dealt a lot with -- kept in close contact with the
14 New Jersey DEP, Dr. Ron Buchanan just to keep track
15 of what was going on and what he may have heard. And
16 if everything sounded reasonably well, we felt pretty
17 comfortable.
18 Q. Did you have any dealings with
19 Pennsylvania DEP?
20 A. I'm sure we did. I didn't personally.
21 I'm sure Bob did, but I don't recall.
22 Q. Do you recall any discussions with any
23 government officials concerning DeRewal?
24 A. No.
25 Q. Do you recall informing any of the

18 (Pages 66 to 69)

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1 government official that you spoke with about
2 DeRewal?

3 A. I don't recall specific conversations.

4 Q. Did AETC take any steps to insure that
5 DeRewal maintained his vehicles properly?

6 A. No. Under his permit that was his
7 responsibility.

8 Q. Did AETC ever take any other steps other
9 than requiring permits and updates to permits –

10 A. Other than the visit to the facilities,
11 no.

12 Q. Let me finish my question before your
13 answer just so we know what it is?

14 A. I'm sorry.

15 Q. Did AETC ever take any other steps to
16 insure that the haulers it was using were handling
17 its customer's waste appropriately other than
18 requiring permits and updates to permits?

19 A. As the company grew we became more and
20 more involved. We were new to the field. And as the
21 company grew, we became a much more scrutinizing as
22 time went on. And of course more and more we became
23 aware of the specifics of the regulations, how things
24 ought to be done. And, frankly, became relatively
25 expert in that field and were easily able to access

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1 the compliance of the various haulers, but not
2 initially it was a learning curve for us.

3 Q. You say other than the site visit, was
4 that something you did for every hauler who worked
5 with you?

6 A. We didn't see DeRewal so much as a
7 hauler as a disposal facility. The hauling in those
8 days was kind of a little bit taken for granted, if
9 you will. They were licensed. They were approved in
10 the State of New Jersey to haul in the State of New
11 Jersey, whatever. And so the transportation aspects
12 if their trucks looked clean and orderly, their
13 people seemed to be competent, they held the
14 liability for the transportation of the material on
15 the roads and so on. So we left pretty much that
16 part of it, looked into their permits, made sure they
17 were up to date and we felt pretty comfortable with
18 that. But DeRewal was more of a disposal facility
19 for us, an acid neutralization facility and recovery
20 site than anything else, that would have been the
21 area that we would have scrutinized, so not the
22 hauler so much as the disposer.

23 MR. SABINO: Monique, I apologize, but
24 I have a call with Judge Smith so I just have to step
25 out for a little bit.

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1 MS. MOONEY: Do you want to break for
2 lunch.

3 MR. SABINO: That's great.
4 (Luncheon Recess)

5 BY MS. MOONEY:

6 Q. We were just talking when we left about
7 AETC's agreement with DeRewal Chemical. In 1976 or
8 1977, did AETC have any written agreements with
9 haulers that it used?

10 A. I don't remember.

11 Q. Did AETC keep records regarding its
12 dealings with DeRewal Chemical?

13 A. We naturally had a normal file of
14 correspondence and things of that nature.

15 Q. Did you keep records regarding payments
16 made to DeRewal?

17 A. Our accounting whoever was doing our
18 accounting, our secretary undoubtedly did that.

19 Q. Do you still have those records?

20 A. No.

21 Q. Do you know who does?

22 A. No.

23 Q. Were the records regarding payments made
24 to DeRewal created on a schedule?

25 A. I don't understand the schedule. What

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1 do you mean the schedule?

2 Q. Was there any documentation associated
3 with payments that AETC made to DeRewal?

4 A. Normal accounting.

5 Q. Were these documents generated every
6 week, every time he was paid, on any type of
7 schedule?

8 A. I don't know.

9 Q. Was the Wissinoming facility the only
10 disposal site that DeRewal was using to AETC's
11 knowledge?

12 A. Yes.

13 Q. Did AETC specify that the Wissinoming
14 facility was to be used for the disposal of any of
15 its customer's waste?

16 A. I think it was more implied. It was the
17 only facility that we knew he had.

18 Q. Did AETC ever ask DeRewal Chemical where
19 it was disposing of waste?

20 A. Again, it was implied by the fact that
21 was his only facility.

22 Q. To AETC's knowledge was DeRewal taking
23 its customer's waste to the Wissinoming facility?

24 A. Yes.

25 Q. Did AETC ever take any steps to insure

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1 that DeRewal Chemical was in fact taking waste to the
2 Wisconsin facility?

3 A. Not extraordinary steps. I think we had
4 confidence that they were doing what they said. They
5 were permitted and I don't remember if there was any
6 extraordinary steps taken.

7 Q. Other than verifying the permitting
8 system?

9 (OBJECTION) MR. SABINO: Objection to the form of
10 the question.

11 THE WITNESS: Verifying the permitting
12 system and the bill of lading that indicated that
13 they went there and so on.

14 BY MS. MOONEY:

15 Q. Why did AETC terminate its relationship
16 with DeRewal Chemical?

17 (OBJECTION) MR. SABINO: That was already
18 answered. Objection. You can go ahead.

19 THE WITNESS: We heard that they were
20 not in compliance with the regulations.

21 BY MS. MOONEY:

22 Q. How did you hear?

23 A. I don't remember.

24 Q. Do you remember any other people who
25 were involved in that?

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1 handling for AETC?

2 A. I don't remember. Just Ashland and I'm
3 not even sure of that at the time that this happened,
4 but I believe it was Ashland and I don't recall of
5 any others.

6 Q. What arrangements, if any, did AETC make
7 for Ashland's waste disposal after that?

8 A. I think it -- we didn't make -- I don't
9 remember, but I think they were shut down.

10 Q. Who was shut down?

11 A. I think Ashland's operation that was
12 producing this material was shut down because there
13 was no place for it to go.

14 Q. Do you recall how long that was?

15 A. No.

16 Q. Do you recall that it then reopened at
17 some point?

18 A. No.

19 Q. Did DeRewal sue AETC at some point in
20 time after the termination of your relationship with
21 him?

22 A. I don't know.

23 Q. What is the most recent dealing between
24 AETC and DeRewal Chemical that you can recall?

25 A. The only thing that stands out in my

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1 A. No.

2 Q. Did you read it in the newspaper?

3 A. I don't know how we found out. I think
4 it was a phone call from someone and Bob, I think,
5 broke the news to me. I don't recall.

6 Q. What was the first step that AETC took
7 after it learned of DeRewal's term, I guess?

8 A. I don't remember.

9 Q. Do you remember how soon after you found
10 out about DeRewal not being licensed that you
11 terminated your relationship with them?

12 (OBJECTION) MR. SABINO: Objection to the form of
13 the question. He didn't say they heard about not
14 being licensed.

15 THE WITNESS: They were -- we had just
16 heard that they were caught for doing some improper
17 and I don't remember all of the details. And
18 immediately we said wait a minute, that's it. We
19 gotta stop here. It's like hearing of a fire in a
20 building, you don't walk in anymore.

21 BY MS. MOONEY:

22 Q. Did you contact DeRewal directly?

23 A. I believe Bob may have.

24 Q. What arrangements did you -- well, at
25 that point in time what customer's waste was DeRewal

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1 mind is when we found out that they were disposing or
2 discharging material into the river and as far as I
3 was concerned that was the end of our relationship.

4 Q. Okay, I want to turn to --

5 MR. BIEDRZYCKI: Just for point of
6 clarification, when you say they were discharging
7 into the river, can I ask what river and from where
8 are you referring to?

9 THE WITNESS: The Wisconsin Park and
10 the acid neutralization facility had a discharge
11 permit into the Delaware River and the neutralized
12 acids, which were now rendered innocuous, they had a
13 permit, I believe, and my memory does not serve me
14 very well on those because of how long ago that was,
15 but that the neutralized acid would be discharged
16 into the Delaware River in Philadelphia which was not
17 far from where Wisconsin was.

18 MR. BIEDRZYCKI: So the improper
19 activities that you were talking about all occurred
20 at the Wisconsin facility?

21 THE WITNESS: Yes, sir.

22 MR. BIEDRZYCKI: Okay, thank you.

23 BY MS. MOONEY:

24 Q. Okay, I'm going to turn to AETC's
25 dealings with Ashland Chemical Company. Were you the

20 (Pages 74 to 77)

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1 primary contact between AETC and Ashland Chemical
 2 Company?
 3 A. Yes.
 4 Q. And when did your relationship with
 5 Ashland start?
 6 A. Probably prior while I was with Gaess
 7 Environmental.
 8 Q. Was Ashland a customer of Gaess?
 9 A. Yes, I believe so, but I cannot be sure.
 10 Q. Do you recall if you had any dealings
 11 with Ashland while you were at Gaess?
 12 A. It's very vague in my recollection.
 13 Q. How did Ashland become a customer of
 14 AETC?
 15 A. I was a salesman and I had called on
 16 Ashland while with Gaess after we were let go, I
 17 continued as a salesman to make contact with Ashland
 18 and Art Curley, who I had a good relationship with
 19 and things would come up. He would ask questions
 20 about this or that. And it was when he identified
 21 this acid stream that he was looking for a disposal
 22 facility for that I think that relationship started
 23 sometime in 1976.
 24 Q. Do you recall what month?
 25 A. No.

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1 Q. Did you make -- what arrangements did
 2 AETC make for the disposal of Ashland's waste?
 3 (OBJECTION) MR. SABINO: Objection. That was
 4 already answered.
 5 THE WITNESS: I described that earlier.
 6 BY MS. MOONEY:
 7 Q. Other than agreeing with DeRewal
 8 Chemical to transport and dispose of Ashland's waste,
 9 did AETC make any other arrangements with anyone else
 10 to dispose of the waste?
 11 A. Not that I remember.
 12 Q. Did DeRewal Chemical handle Ashland's
 13 waste for AETC -- I'm sorry, strike that.
 14 Did DeRewal handle the transport and
 15 disposal of Ashland's nitrating waste for the entire
 16 time Ashland had an arrangement with AETC?
 17 (OBJECTION) MR. SABINO: Objection to the use of
 18 the word arrangement.
 19 THE WITNESS: DeRewal did the trucking
 20 and disposal of the Ashland waste, nitrating acid
 21 waste while it was handled by AETC.
 22 BY MS. MOONEY:
 23 Q. Was any other waste generated by Ashland
 24 handled by AETC?
 25 A. I believe there may have been some

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1 solvents that went to Marisol for recovery, but it is
 2 vague in my recollection.
 3 Q. Do you recall a company that transported
 4 that solvent waste?
 5 A. Probably Marisol directly. I believe
 6 they had their own fleet of trucks.
 7 Q. Where is Marisol?
 8 A. Factory -- they were on Factory Lane,
 9 Middlesex, New Jersey. I don't know if they still
 10 exist.
 11 Q. Did you ever have any face-to-face
 12 meetings with Art Curley?
 13 A. Many times.
 14 Q. What was the first one?
 15 A. Probably in, guessing '75, '76 while
 16 with Gaess Environmental.
 17 Q. And what was the purpose of that
 18 meeting?
 19 A. To explore potential for a relationship
 20 between -- in other words, having Gaess handle waste
 21 materials from Ashland.
 22 Q. Did those waste materials -- what did
 23 those waste materials include?
 24 A. I don't remember.
 25 Q. Do you recall if the waste materials

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1 included this spent nitrating acid?
 2 A. No.
 3 Q. Did not?
 4 A. I don't know. I don't remember. With
 5 Gaess it was very vague. I was only there for nine
 6 months. It was a very short, tumultuous time.
 7 Q. Did Gaess ultimately handle Ashland
 8 waste?
 9 A. I don't remember.
 10 Q. And what was the next contact you had
 11 with Mr. Curley?
 12 A. On and off during the period of '76, '77
 13 calling on him as a salesman occasionally, see how
 14 things were going, what was going on and so on.
 15 Q. Do you recall the first time after your
 16 visit with Mr. Curley while you were at Gaess the
 17 next time after that, was it at Ashland that you met
 18 him?
 19 A. I don't really remember. But I would
 20 guess it was, I would think. I was up there quite a
 21 bit.
 22 Q. What was the first time you actually
 23 visited the Ashland or where was the Ashland facility
 24 that you visited?
 25 A. In Great Meadows, New Jersey.

21 (Pages 78 to 81)

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1 Q. When you went to the Wissinoming
2 facility at this time and observed the neutralizing
3 machinery, was it actually in the process of
4 neutralizing at that point in time?
5 A. I don't remember.
6 Q. Did you ever observe the working
7 neutralization?
8 A. I don't remember.
9 Q. Do you know what type of background Art
10 Curley had in chemical science?
11 A. No.
12 Q. Did he represent to you that he was
13 knowledgeable about the process that DeRewal was
14 showing you?
15 (OBJECTION) MR. BIEDRZYCKI: Object to the form.
16 You can answer it.
17 THE WITNESS: No, but as a manager of a
18 large chemical plant that produced these acids,
19 certainly he was more knowledgeable than I was.
20 BY MS. MOONEY:
21 Q. To your knowledge, did any other Ashland
22 employee ever visit the Wissinoming facility?
23 A. Not that I recall.
24 Q. Did you have any dealings with anyone
25 other than Art Curley at Ashland?

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1 A. There was a doctor, a dear man, he was
2 their chief chemist and I don't remember his name.
3 He was a black man, very good man. And I did have
4 some dealings with him. He was their chief chemical
5 expert.
6 Q. And what dealings did you have with --
7 A. Just --
8 Q. Do you remember his name, I'm sorry?
9 A. No. Just basic talking about the
10 science of the chemistry of the materials.
11 Q. And what materials were those?
12 A. The acids and so on and other materials
13 that we may have handled for them. And like I said,
14 I think we did some solvents for them, perhaps, that
15 went for recovery.
16 Q. Do you recall when these conversations
17 with the chemists occurred?
18 A. During that same period in time.
19 Q. 1976 to 1977?
20 A. Yes.
21 Q. When you say that your visits -- are you
22 getting tired? Are you okay? Do you want to take a
23 break?
24 A. No, it's okay. We'll go for a little
25 longer.

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1 Q. When you say some of your visits to
2 Ashland were customer relations, what would that
3 entail?
4 A. As a salesman you're probably familiar
5 that we have a group of accounts and you would go and
6 visit them on a regular basis just to say hi, how are
7 you, is everything going well, perhaps have lunch or
8 discuss specific issues or try to generate more
9 business. And so that would have been -- but many of
10 the times I would physically bring invoices to
11 Ashland and actually hand it to them and they'd write
12 me a check on the spot. And a lot of my visits up
13 there, since it was not a long trip, were actually
14 hand delivering invoices and returning the checks to
15 our accounting department.
16 Q. And why did you do that?
17 A. Cash flow. We were a new company and
18 without proper cash flow we certainly would have gone
19 under.
20 Q. When you would make these customer
21 relation visits, do you recall ever being told of any
22 problems with AETC's business with Ashland?
23 A. No.
24 Q. Did -- who did you meet with at these
25 visits?

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1 A. Generally Art. Perhaps some of the
2 field men, you know, the guys out in the yard, Leon
3 or somebody.
4 Q. Do you recall discussing the disposal of
5 their nitrating waste on any of these visits?
6 A. Usually.
7 Q. Any -- and what did you discuss?
8 A. How's everything going? Is everything
9 going well? How's the truck? Is the driver doing
10 what he's supposed to be doing? Does everything look
11 okay? Yes.
12 Q. No problems that come to mind?
13 A. Not that I remember.
14 Q. Did AETC have a written agreement with
15 Ashland?
16 A. We may have, but I would not recall it
17 or any of the details of it.
18 Q. What was the agreement between AETC and
19 Ashland in 1976?
20 A. I don't remember.
21 Q. What was AETC agreeing to do for Ashland
22 in 1976?
23 (OBJECTION) MR. SABINO: Objection. He already
24 told you about that this morning.
25 BY MS. MOONEY:

23 (Pages 86 to 89)

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1 Q. You can answer.
2 A. As I described.
3 Q. What was Ashland going to do for AETC?
4 (OBJECTION) MR. BIEDRZYCKI: Object to the form.
5 THE WITNESS: I think we already talked
6 about that also.
7 BY MS. MOONEY:
8 Q. Were they agreeing to pay you for
9 hauling and disposing of their waste?
10 A. That's right. They were agreeing to pay
11 us -- when a load was shipped they agreed to pay
12 within a time frame for the -- to pay our invoice.
13 Q. Did you have an agreement about how much
14 they were going to pay you?
15 A. Certainly.
16 Q. And was that negotiated?
17 A. It was negotiated on a per load basis, I
18 believe. May have been per gallon based on what they
19 loaded into the truck or it may have been on a per
20 load basis, assuming that that they filled the truck.
21 Q. So the price was different if a truck
22 was filled as opposed to not?
23 A. Right. I don't remember the details.
24 I'm just going on generic how we used to handle
25 things. If somebody picked up 4000 gallons from a

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1 customer, you'd pay for 4000 gallons plus trucking.
2 Somebody picked up 6000, you'd pay for 6000 gallons
3 plus trucking.
4 Q. Were there any discounts given for a
5 full load?
6 A. No.
7 Q. Did -- were there any letters written to
8 commemorate the relationship between Ashland and
9 AETC?
10 A. I'm sure there was. They were in the
11 files. I have no idea where those files are.
12 Q. In the agreement that AETC had with
13 Ashland, were the identity -- was the identity of a
14 waste hauler identified?
15 (OBJECTION) MR. SABINO: Objection. There was no
16 written agreement.
17 MS. MOONEY: I didn't say written, I
18 said agreement.
19 MR. SABINO: You didn't say oral
20 either.
21 THE WITNESS: I would assume so. If we
22 took stuff to Marisol we could give them a quotation
23 of a particular waste solvent stream in drums. We
24 say a drum will cost you "x", \$12 and it will be --
25 in other words, we will pick up 80 drum quantities

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1 and it will be hauled by Marisol, their license
2 numbers are as follows.
3 BY MS. MOONEY:
4 Q. That was the information that you would
5 provide to --
6 A. Customer.
7 Q. To a customer. In a letter typically
8 or some other way?
9 A. Yeah, sales letter.
10 Q. In the agreement that AETC would have
11 with Ashland at this time, did you talk about the
12 type of waste that AETC would handle?
13 A. We would talk waste specifics. In other
14 words, most customers, most companies would have
15 multiple waste haulers not just one. Because we
16 would specify, we would be hauling their acid waste,
17 somebody else might be hauling their waste waters,
18 others might be handling another sludge material.
19 And so typically in that period of time
20 AETC would be looking at individual waste streams
21 within that facility. And the result was that maybe
22 we would be handling certain materials and not
23 others. So, yes, we would specify what those
24 materials were, where they would go, who would haul
25 them and at what cost.

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1 Q. And all these things would be
2 commemorated in letters?
3 A. Yes, they would be, certainly.
4 Q. What about amount of waste, was that
5 discussed?
6 A. You would generally expect that they
7 would say we anticipate "x" number of drums and
8 material a year and so much on a monthly basis, so
9 that we could roughly assess the amount of
10 frequencies that would be needed in order to pick it
11 up.
12 And generally the way it worked is when
13 a customer would call us and say I have 80 drums of
14 XYZ, a particular thing we already quoted them on,
15 that they understood where it was going, what's going
16 to happen to it, who the hauler was, we would then
17 dispatch a truck through the hauler who we would use,
18 whether it be our own vehicles or others, to that
19 site. The truck would be loaded, bill of lading
20 prepared, specifically listing all of the individual
21 materials. That material would be delivered. The
22 facility that would receive it would send us back an
23 invoice confirming what we had on the bill of lading
24 and we would then bill the customer.
25 Q. Did your agreement with Ashland specify

24 (Pages 90 to 93)

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1 Q. Do you know what, I'm going to have this
2 marked -- actually, let me ask you a question first
3 before I have it marked. Do you recognize the
4 handwriting on this?
5 A. No. Certainly not mine.
6 MS. MOONEY: Okay, I'm not going to
7 have this marked.
8 MR. BIEDRZYCKI: Well, since you asked
9 a question on it, I think we have to mark it. It has
10 to become part of the record.
11 MS. FLAX: We'll never know what it is.
12 (Exhibit Leuzarder-1, Handwritten document
13 Bates stamped AETC 6, is marked for identification)
14 BY MS. MOONEY:
15 Q. Do you recall that there was a sulfuric
16 acid spill at Boarhead Farms?
17 A. No.
18 Q. You never heard of any kind of acid
19 spill occurring at Boarhead Farms?
20 A. Not that I recall.
21 Q. All right. I'm going to show you a
22 document that you produced -- your attorney produced
23 in response to our request for -- our interrogatories
24 and request for documents?
25 MR. SABINO: She can tell that because

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1 of the little number down on the bottom, same thing
2 with the prior document.
3 MS. MOONEY: Can you mark that
4 Leuzarder-2.
5 (Exhibit Leuzarder-2, Bill of lading
6 9/7/76 Bates stamped AETC 7, is marked for
7 identification)
8 BY MS. MOONEY:
9 Q. Have you had a chance to look that over?
10 Okay. This at the top says straight bill of lading
11 short form. Does this -- first of all, does this
12 look familiar to you?
13 A. Only generally. It's a bill of lading
14 form.
15 Q. And is this the DOT document that you
16 were referring to earlier as what Ashland would
17 generate when --
18 A. Yes.
19 Q. And who filled in the information that's
20 contained in the table on the second half of the
21 page?
22 MR. BIEDRZYCKI: The typed material?
23 BY MS. MOONEY:
24 Q. The typed material in the box, who
25 filled that in?

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1 A. Ashland.
2 Q. Who was responsible for specifying
3 corrosive labels required?
4 A. Ashland.
5 Q. And was that a legal requirement?
6 A. Legal requirement by the Department of
7 Transportation.
8 Q. And how about below that where it talks
9 about in the event of any emergency, who specified
10 that being included in a bill of lading like this?
11 A. Ashland, probably.
12 Q. Do you know what number, phone number
13 that is?
14 A. No.
15 Q. Does it have anything to do with AETC?
16 A. I don't think so.
17 Q. To your recollection?
18 A. No.
19 Q. At the bottom it has a signature in the
20 middle, which looks like Bruce DeRewal and it says
21 per Advanced Envirotech Company?
22 A. Right.
23 Q. Was that Bruce DeRewal signing on behalf
24 of AETC? What's the relationship between the signer
25 where it says per Advanced Envirotech Company?

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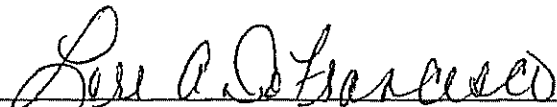
1 A. He's the truck driver who picked it up
2 for DeRewal Chemical Company. And it says, in other
3 words, the load was specified per Advanced Envirotech
4 Company. We called them, said pick up the load. He
5 went over, picked it up, he put his name there and
6 Ashland filled in this information.
7 Q. Okay, at the top where it says route,
8 right under Ashland Chemical Company in the very in
9 the upper.
10 A. Right.
11 Q. Underneath that it says route, it's
12 typed in Advanced Envirotech Company, what does that
13 mean, route Advanced Envirotech Company?
14 A. I don't know. That was probably their
15 own internal paperwork.
16 Q. Whose?
17 A. Ashland's. We didn't normally get
18 these. This would have gone with the trucker, so how
19 they filled them out all the time was their
20 responsibility.
21 Q. The customer's?
22 A. Yes.
23 Q. And where it says confined to Advanced
24 Envirotech Company?
25 MR. SABINO: Where's that?

30 (Pages 114 to 117)

C E R T I F I C A T E

I, Lori A. De Francesco, a Notary Public and Certified Shorthand Reporter of the State of New Jersey do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and that I am not financially interested in this action.


Lori A. De Francesco
Notary Public, State of New Jersey
My Commission Expires January 10, 2006
Certificate No. XI01797